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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,158	10/16/2003	Hryhory T. Koba	17310-281350	6636
25764	7590	06/13/2006	EXAMINER	
FAEGRE & BENSON LLP PATENT DOCKETING 2200 WELLS FARGO CENTER MINNEAPOLIS, MN 55402			CHAUDHRY, SAEED T	
			ART UNIT	PAPER NUMBER
			1746	

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/687,158	<b>Applicant(s)</b> KOBA ET AL.	
	<b>Examiner</b> Saeed T. Chaudhry	<b>Art Unit</b> 1746	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 15-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 4, 2006 has been entered.

Claims 1-18 are pending in this application. Of the above 15-18 are withdrawn from consideration.

### **Claim Rejections - 35 USC § 112**

**The following is a quotation of the first paragraph of 35 U.S.C. 112:**

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 1 and 11 recite limitation “but sufficient to melt the surface itself” and “without melting the surface itself” respectively. These limitations are new matter, since in the instant specification at page 3, lines 9-25, discloses that “ applying one or more pulses of the laser energy to the contaminated surface sufficient to melt the contaminated surface”. The specification do not provide support for these negative limitations.

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Negative limitations recited in present claims, which did not appear in specification as filed, introduce new concepts and violate description requirement of 35 U.S.C. 112. In re Anderson, 47 F 2d 1237, 176 USPQ 331 (CCPA 1973).

The mere absence of a positive recitation is not basis for an exclusion. See Ex parte Grasselli, 231 USPQ 393 (Bd. App. 1983), aff'd mem., 738 F.2d 453 (Fed Cir. 1984).

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made

The factual inquiries set forth in *Graham v. John Deere Co.*, 148 USPQ 459, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or unobviousness.

**Claims 1-4 and 9-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Albrecht et al in view of Boquillon et al or Yeung et al.**

Albrecht et al (6,288,876) discloses a head suspension for a rigid disk drive, which include all the components as claimed herein. The reference discloses a lift tab for a load/unload type of data storage hard drive and a method of smoothing the lift tab. The method includes the step of striking the lift tab with short duration (e.g. 10-500 nanosecond) energy pulses to melt a thin surface layer of the lift tab. The melted layer flows under surface tension forces, smoothing out bumps and scratches. The melted layer quickly refreezes, forming an exceptionally smooth melted and refrozen spot. Preferably, the melted and refrozen spot is 0.2-

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10 microns deep. More preferably, the melted and refrozen spot is in the range of 1.0 to 3.0 microns thick. The size of the melted and refrozen spots is practically limited by power available from energy sources such as lasers. Preferably, the melted and refrozen spots are at least several tens of microns in diameter. Also, the present invention includes head gimbal assemblies and hard drives having lift tabs with melted and refrozen spots (see abstract).

FIG. 8 shows a head gimbal assembly 54 having the lift tab 20 smoothed according to the method of the present invention. The head gimbal assembly includes a mounting portion 56 for attachment to a rotary actuator (not shown) inside a data storage hard drive. A rigid arm 58 and flexible suspension 60 are attached to the mounting portion 56. The flexible suspension 60 supports a slider 62 which comprises a magnetic read/write head (not shown). The lift tab 20 is attached to the flexible suspension such that the lift tab can cause the flexible suspension to bend slightly when subject to a force (see col. 8, lines 1-11).

In a specific implementation of the present method, a multimode frequency doubled Nd:YLF (527 nm) laser is used. The pulse duration is 200 ns at a repetition rate of 100 Hz. The laser pulses are focused to a spot size of about 300 microns by 70 microns. The pulse energy incident on the lift tab is 2.8 millijoules per pulse (see col. 7, lines 58-62).

When the energy pulse strikes the lift tab surface, melted material flows away from the melted spot due to thermal expansion. The melted material then refreezes rapidly due to fast heat diffusion. This creates roughness with a length scale comparable to the spot size (and ripples 36 shown in FIG. 4). Therefore, it is desirable in the present method for each melted spot 28 to be as large as practically possible (see col. 7, lines 18-30).

As a specific example on stainless steel using 527 nm laser light, a 10 nanosecond energy pulse duration at about 130 Mw/cm.<sup>2</sup> produces melted spots having melted depth of about 0.7 micron. A 200 nanosecond pulse duration at about 70 Mw/cm.<sup>2</sup> produces melted spots having melted spot depth of about 2-3 microns (see col. 5, lines 59-64).

Albrecht et al reference specifically did not disclose to clean the contaminated surface of the head suspension but since the reference discloses to irradiating pulses of a laser beam on the lift tab, which inherently clean the contaminated surface. The reference discloses that it is desirable for each melted spot to be as large as practically possible. Therefore, single pulse extend across the entire contaminated surface. The reference fails to disclose that the laser energy is insufficient to melt the surface itself or without melting the surface itself.

Boquillon et al (5,151,134) disclose a method for cleaning surface by applying laser pulses to the surface in the absence of an observable thermal effect to the object (see claims).

Yeung et al (5,482,561) disclose a method of removing contaminants from the surface of sand particles by applying laser without significant heating of the underlying sand particles (see abstract and claims).

It is well known in the art to heat the contaminants with the laser beam without heating the underlying surface to remove contaminants as disclosed by Boquillon et al and Yeung et al. Therefore, it would have been obvious at the time applicant invented the claimed process to incorporate the teachings of Boquillon et al or Yeung et al into the process of Albrecht et al process to remove contaminants from the surface without melting the surface itself to avoid changing the surface physical characteristics.

**Claims 5-8 and 11-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Albrecht et al in view of Boquillon et al or Yeung et al as applied to claims 1-4 and 9-10 above, and further in view of Hosoya et al.**

Albrecht et al were discussed supra. However, the reference fails to disclose a step of interposing a mask between a source of laser beam and the surface to be cleaned.

Hosoya et al (5,319,183) disclose a method for cleaning a printed wiring board, wherein a pulsed laser beam is irradiated onto a printing wiring board to evaporate the irradiated portion. A laser beam irradiating apparatus 2 emits a laser beam to a pattern spot on the wiring board placed on the XY stage 1. The laser beam apparatus comprising a laser oscillator 21 and a laser beam masking apparatus 22, and is connected to a laser controller 23 and mask size controller 24. The laser controller 23 controls the number of oscillations and the output of the laser oscillator 21. The mask size controller 24 controls the opening length L and width W of the laser beam masking apparatus 22. The controller 24 controls the laser beam masking apparatus 22 in a such as way that during a removal pf molten substances, the irradiation area is enlarged (see col. 6, lines 35-44 and Fig. 4).

It would have been obvious at the time applicant invented the claimed process to incorporate a mask between the source of laser beam and the surface or between the lens and the surface as disclosed by Hosoya et al into the process of Albrecht et al to control the size of the laser beam for the contaminated surface such that the only contaminants are irradiate by the laser beam, which would protect the other area from damage.

Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

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*Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saeed T. Chaudhry whose telephone number is (571) 272-1298. The examiner can normally be reached on Monday-Friday from 9:30 A.M. to 4:00 P.M.*

*If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Michael Barr, can be reached on (571)-272-1414. The fax phone number for non-final is (703)-872-9306.*

*When filing a FAX in Gp 1700, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file, and "Unofficial" for draft documents and other communication with the PTO that are for entry into the file of the application. This will expedite processing of your papers.*

*Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-1700.*

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**Saeed T. Chaudhry**  
Patent Examiner

  
**MICHAEL BARR**  
SUPERVISORY PATENT EXAMINER